

RICHARD LOVATT

IBLA 76-731      Decided December 10, 1976

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneously filed noncompetitive oil and gas lease offer (NM 27013).

Set aside and remanded.

1. Notice: Generally--Oil and Gas Leases: Applications: Drawings--Privacy Act

Where it does not appear that the notice required by section 7(b) of the Privacy Act of 1974 regarding the disclosure of a social security number was given, an oil and gas lease offer on a drawing card filed in a simultaneous drawing procedure should not be considered defective solely because the applicant omitted designating the social security number on the card as provided thereon.

Appearances: Richard Lovatt, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

By decision dated July 19, 1976, the New Mexico State Office, Bureau of Land Management (BLM), rejected Richard Lovatt's noncompetitive oil and gas lease offer filed in a simultaneous filing procedure because he failed to show the social security number on the drawing card and thus he failed to complete the card.

Appellant now furnishes his social security number and requests that the rejection be disallowed. In a recent decision, Harry Reich, 27 IBLA 123 (1976), we pointed out that section 7 of the Privacy Act of 1974, 5 U.S.C. note following § 552a (Supp. V, 1975), requires that if a social security number is requested by a federal agency there must be notice to the individual concerning the request, the

authority for making the request and the use to be made of the number. We ruled that if such notice was not given to the applicant, it is not appropriate to reject an offer on a drawing card solely because the social security number has been omitted. There is no indication in the case record before us that the requisite notice was given.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case is remanded to the New Mexico State Office for further processing.

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Joan B. Thompson  
Administrative Judge

We concur:

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Frederick Fishman  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge

